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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,541	04/02/2001	Subhra Bose		9431
7590	10/22/2004		EXAMINER	
Bodner & O'Rourke LLP 425 Broadhollow Rd. Suite 108 Melville, NY 11747			LANIER, BENJAMIN E	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,541	BOSE ET AL.	
	Examiner	Art Unit	
	Benjamin E Lanier	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 April 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-6, 9, 14, 16-26, 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 4 and 5 contain negative limitations that rendered the claim indefinite because it was an attempt to claim the invention by excluding what the inventors did not invent rather than distinctly and particularly pointing out what they did invent. *In re Schechter*, 205 F.2d 185, 98 USPQ 144 (CCPA 1953).

4. The term "durability" in claim 9 is a relative term which renders the claim indefinite. The term "durability" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

5. Claim 14 recites the limitation "the event mediator" in line 1. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 16-26, 31 provides for the use of the claimed communication system, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Art Unit: 2132

7. Claims 16-26, 31 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-8, 10-13, 27-30, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Tang, U.S. Patent No. 5,793,365. Referring to claims 1, 2, 4, 5, 7, 8, 10, 11, 27-30, 33, Tang discloses a computer user interface wherein user workstations connected a network contain a gallery window with a worker icon representing each user workstation connected to the network (Col. 11, line 37- Col. 12, line 16), which meets the limitation of a sender and a receiver and a communication means for said server to communicate with said sender and receiver. Each worker icon is associated with a data structure that maintains information about the worker, and that further provides by an operating system for the user's computer and network installation, such as email, video-conferencing, text dialog, and the like, which meets the limitation of multiple information items available for delivery to said receiver. The data structure is a person object that stores user specific information, such as a user name, machine identifier, account

Art Unit: 2132

identifier, and so forth (Col. 12, lines 9-20). For the user of a workstation, there is a particular person object that is preferably stored on the computer itself, and that is provided to other computers in response to requests for the icon of the worker using such computer (Col. 12, lines 29-39). There is provided an object request broker for handling object references for person objects and business card objects. The object request broker accepts an object reference, and returns a local handle of the object to the requesting client, thereby enabling access to the object (Col. 12, lines 40-47), which meets the limitations of said receiver initiates a request message which is transmitted to said server, wherein in the event said server is unable to immediately reply to said request with information for said receiver, said server retains said request in a pending state until a time when said server is able to respond to said request with information for said receiver and wherein at such time, said server allows for the completion of said receiver request with said information.

Referring to claim 3, Tang discloses that the workstations contain a browser (Col. 4, lines 4-6).

Referring to claim 6, Tang discloses that the workstations run the Sun Solaris operating system that uses Javascript (Col. 12, lines 54-56).

Referring to claim 12, Tang discloses a communication network that provides for multiple user communication via chat rooms and such (Col. 8, lines 29-51 & Col. 11, lines 36-64), which meets the limitation for providing one-to-one, one-to-many and many-to-many communications.

Referring to claims 13, Tang discloses that the communications network wherein each communication activity has an attribute number (Col. 9, lines 6-21).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 32, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, U.S. Patent No. 5,793,365, in view of Ellis, U.S. Patent No. 6,484,257. Referring to claims 32, 34-38, Tang discloses a computer user interface and communication system for workers in a workplace organized into teams (Abstract, Col. 1, lines 22-26). Tang does not disclose that the communication system can be encrypted using SSL, TLS, or a VPN. Ellis discloses a system for maintaining simultaneous cryptographic session wherein the sessions are encrypted using SSL, TLS, and VPN (Col. 1, line 66 – Col. 2, line 67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to encrypt the communications of Tang because corporations now have critical needs for ensuring the security of data that traverses their networks as taught in Ellis (Col. 1, lines 32-35).

Conclusion

Art Unit: 2132

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Common Object Request Broker: Architecture and Specification, OMG Document Number 93-12.43.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th0 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin E. Lanier



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